

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DANNY HARRIS,

Plaintiff,

Civil No. 04-1325-AS

v.

O R D E R

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

HAGGERTY, Chief Judge:

Magistrate Judge Ashmanskas issued a Findings and Recommendation (doc. 28) in this action which recommends remanding the case to the Commissioner for the development of a proper record and decision by the Administrative Law Judge (ALJ) on the following issues identified by the Magistrate Judge in the Findings and Recommendation:

- (1) properly evaluating and weighing medical evidence and providing specific and legitimate explanations regarding the opinions of physicians Garrison and Calkins and other medical sources;
- (2) re-evaluating the plaintiff's testimony and credibility with the advantages of a more fully developed record;
- (3) re-assessing the residual functioning capacity of plaintiff; and
- (4) obtaining new testimony from a Vocational Expert.

No objections were filed, and the case was referred to me. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. U.S. Dist. Ct.*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court adopts the Magistrate Judge's well-reasoned and thorough Findings and Recommendation in its entirety.

### **CONCLUSION**

The Magistrate Judge's Findings and Recommendation (doc. 28) is adopted. This action is remanded for the development of a proper record and decision by the ALJ in accordance with the reasoning and analysis set forth in the Findings and Recommendation.

IT IS SO ORDERED.

Dated this 3 day of October, 2005.

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/s/Ancer L.Haggerty  
Ancer L. Haggerty  
United States District Judge